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ENERGY OPERATORS (POWERS) ACT 1979

**ENERGY OPERATORS
(REGIONAL POWER
CORPORATION) (CHARGES)
AMENDMENT BY-LAWS 2009**

Energy Operators (Powers) Act 1979

Energy Operators (Regional Power Corporation) (Charges) Amendment By-laws 2009

Made by the Regional Power Corporation with the approval of the Governor in Executive Council.

Part 1 — Preliminary matters

1. Citation

These by-laws are the *Energy Operators (Regional Power Corporation) (Charges) Amendment By-laws 2009*.

2. Commencement

These by-laws come into operation as follows —

- (a) by-laws 1 and 2 — on the day on which these by-laws are published in the *Gazette*;
- (b) by-law 3 and Part 2 — on 1 April 2009;
- (c) Part 3 — on 1 July 2009.

3. By-laws amended

These by-laws amend the *Energy Operators (Regional Power Corporation) (Charges) By-laws 2006*.

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Part 2 Amendments commencing on 1 April 2009

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Part 2 — Amendments commencing on 1 April 2009

4. By-law 3 amended

In by-law 3 insert in alphabetical order:

RBA cash rate means the percentage (or maximum percentage) specified by the Reserve Bank of Australia as the Cash Rate Target;

5. By-law 8 amended

In by-law 8(3) delete “at the rate of 12.75% per annum calculated on a daily basis.” and insert:

for each day that the charge remains unpaid at a rate that is equal to the RBA cash rate as at that day increased by 6 percentage points.

6. By-law 12 replaced

Delete by-law 12 and insert:

12. Prescribed rate of interest for s. 62(16) of the Act

(1) In this by-law —

interest period means the period in respect of which payment is made or credit is given.

(2) For the purposes of section 62(16) of the Act, the rate at which interest is to be paid, or given credit for, by the corporation is —

(a) the rate that is equal to the RBA cash rate for the interest period; or

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- (b) if there is more than one RBA cash rate for the interest period — the rate that is equal to the average of the RBA cash rates for that period.

7. Schedule 1 replaced

Delete Schedule 1 and insert:

Schedule 1 — Supply charges

[bl. 3, 4(1) and 10(1)]

1. Terms used

In this Schedule —

North West interconnected system means the electrical system from which electricity generated at one or more of the power stations at Dampier, Cape Lambert and Port Hedland, respectively, is supplied to consumers;

regional non-integrated system means any electrical system of or conducted by the corporation from which electricity is supplied to consumers, other than the South West interconnected system and the North West interconnected system;

South West interconnected system has the meaning given in the *Electricity Industry Act 2004* section 3.

2. Tariff L2 (general supply — low/medium voltage tariff)

- (1) Tariff L2 is available for low/medium voltage supply.
- (2) Tariff L2 comprises —
 - (a) a fixed charge at the rate of 27.896 cents per day; and
 - (b) a charge for metered consumption at the rate of —
 - (i) 18.337 cents per unit for the first 1 650 units per day; and

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- (ii) 16.544 cents per unit for all units exceeding 1 650 units per day.
- (3) Tariff L2 is available subject to the condition that the consumer satisfies the corporation that the amount of electricity supplied to the consumer's premises will be less than 50 megawatt hours per annum.
- 3. Tariff L4 (general supply — low/medium voltage tariff)**
 - (1) Tariff L4 is available for low/medium voltage supply.
 - (2) Tariff L4 comprises —
 - (a) a fixed charge at the rate of 29.227 cents per day; and
 - (b) a charge for metered consumption at the rate of —
 - (i) 19.206 cents per unit for the first 1 650 units per day; and
 - (ii) 17.336 cents per unit for all units exceeding 1 650 units per day.
 - (3) Tariff L4 is available subject to the condition that the consumer satisfies the corporation that the amount of electricity supplied to the consumer's premises will be 50 megawatt hours or more per annum.
- 4. Tariff M2 (general supply — high voltage tariff)**
 - (1) Tariff M2 is available for consumers supplied at 6.6 kV, 11 kV, 22 kV or 33 kV or such higher voltage as the corporation may approve.
 - (2) Tariff M2 comprises —
 - (a) a fixed charge at the rate of 29.227 cents per day; and
 - (b) a charge for metered consumption at the rate of —
 - (i) 18.557 cents per unit for the first 1 650 units per day; and
 - (ii) 16.665 cents per unit per day for all units exceeding 1 650 units.

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5. Tariff N2 (regional non-integrated systems — cost of supply tariff)

- (1) Tariff N2 applies to electricity supplied from a regional non-integrated system to Commonwealth or foreign government instrumentalities.
- (2) Tariff N2 comprises —
 - (a) a fixed charge at the rate of 31.31 cents per day; and
 - (b) a charge for metered consumption at the rate (in cents per unit) calculated in accordance with the following formula and by-law 10(2) —

$$R = \left[18.7797 + \frac{8.5552 \times P}{39.18} \right] \times 1.1$$

Where —

R is the rate to be calculated; and

P is the Singapore Gas Oil 0.5%S midpoint of the Product Price Assessments for Singapore/Japan Cargoes —

- (i) as amended from time to time and published by Platt's in the Oilgram Price Report; and
- (ii) as expressed in Australian dollars per litre and including the rate of duty imposed by item 10.10 of the Schedule to the *Excise Tariff Act 1921* (Commonwealth).

6. Tariff P2 (North West interconnected system — cost of supply tariff)

- (1) Tariff P2 applies to electricity supplied from the North West interconnected system to Commonwealth or foreign government instrumentalities.
- (2) Tariff P2 comprises —
 - (a) a fixed charge at the rate of 34.44 cents per day; and
 - (b) a charge for metered consumption at the rate of 22.85 cents per unit.

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7. Tariff A2 (residential tariff)

- (1) Tariff A2 is available for residential use only.
- (2) Tariff A2 comprises —
 - (a) a fixed charge at the rate of 28.116 cents per day or, for multiple dwellings supplied through one metered supply point, a fixed charge at the rate of —
 - (i) 28.116 cents per day for the first dwelling; and
 - (ii) 21.835 cents per day for each additional dwelling;
 - and
 - (b) a charge for metered consumption at the rate of 15.323 cents per unit.

8. Tariff C2 (special community service tariff)

- (1) Tariff C2 is available for small voluntary and charitable organisations, subject to the conditions listed in subclause (3).
- (2) Tariff C2 comprises —
 - (a) a fixed charge at the rate of 26.84 cents per day; and
 - (b) a charge for metered consumption at the rate of —
 - (i) 14.63 cents per unit for the first 20 units per day; and
 - (ii) 18.337 cents for the next 1 630 units per day; and
 - (iii) 16.544 cents per unit per day for all units exceeding 1 650 units.
- (3) Tariff C2 is available subject to the following conditions —
 - (a) the consumer must be a direct customer of the corporation;
 - (b) the consumer must be a voluntary, non-profit making organisation;

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- (c) the consumer must be endorsed as exempt from income tax under the *Income Tax Assessment Act 1997* (Commonwealth) Subdivision 50-B;
 - (d) the consumer must provide a public service, which is available to any member of the public without discrimination;
 - (e) the consumer must not be a Commonwealth, State or local government department, instrumentality or agency;
 - (f) the consumer must not receive the major part of its funding from any organisation mentioned in paragraph (e).
- (4) A consumer seeking supply under Tariff C2 must make an application to the corporation in writing accompanied by evidence which clearly demonstrates that the consumer meets all the conditions listed in subclause (3).

9. Tariff D2 (special tariff for certain premises)

- (1) Tariff D2 is available for premises wholly used by a charitable or benevolent organisation for providing residential accommodation other than for commercial gain, being premises for which Tariff A2 is not available.
- (2) Tariff D2 comprises —
 - (a) a fixed charge at the rate of 26.84 cents per day; and
 - (b) if under subclause (3) there is deemed to be more than one equivalent domestic residence in the premises, a charge of 20.845 cents per day for each equivalent domestic residence except the first that is deemed to be in the premises; and
 - (c) a charge for metered consumption at the rate of 14.63 cents per unit.
- (3) The number of equivalent domestic residences deemed to be in particular premises is ascertained by dividing the facility's total bed capacity by 5 and, where the quotient is not a whole number, by increasing it to the next highest whole number.

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10. Tariff K2 (general supply with residential tariff)

- (1) Tariff K2 is available for premises where the circuit wiring is not separate and the electricity is used partly for general purposes and partly for residential purposes.
- (2) Tariff K2 comprises —
 - (a) a fixed charge at the rate of 28.116 cents per day; and
 - (b) a charge for metered consumption at the rate of —
 - (i) 15.323 cents per unit for the first 20 units per day; and
 - (ii) 19.206 cents per unit for the next 1 630 units per day; and
 - (iii) 17.336 cents per unit per day for all units exceeding 1 650 units.

11. Tariff W2 (traffic light installations)

Tariff W2 comprises a charge of \$2.4973 per day per kW of installed wattage.

8. Schedule 2 replaced

Delete Schedule 2 and insert:

Schedule 2 — Street lighting

[bl. 4(2)]

| Item | Wattage | Type | Midnight Switch-off (Obsolescent) Cents per day | 1.15 a.m. Switch-off Cents per day | Dawn Switch-off Cents per day |
|---|---------|----------------|--|--|-------------------------------------|
| <i>Street lighting on current offer and for existing services</i> | | | | | |
| Z.01 | 50 | Mercury Vapour | 19.657 | 20.086 | 21.604 |
| Z.02 | 80 | Mercury Vapour | 23.155 | 23.672 | 26.037 |

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| Item | Wattage | Type | Midnight Switch-off (Obsolescent) Cents per day | 1.15 a.m. Switch-off Cents per day | Dawn Switch-off Cents per day |
|---|---------|--|--|--|-------------------------------------|
| Z.03 | 125 | Mercury Vapour | 28.633 | 29.557 | 32.912 |
| Z.04 | 140 | Low Pressure Sodium | 29.304 | 30.261 | 34.100 |
| Z.07 | 250 | Mercury Vapour | 35.530 | 37.334 | 44.077 |
| Z.10 | 400 | Mercury Vapour | 52.635 | 55.385 | 65.912 |
| Z.13 | 150 | High Pressure Sodium | 27.126 | 28.116 | 33.682 |
| Z.15 | 250 | High Pressure Sodium | 40.205 | 42.350 | 50.611 |
| Z.18 | per kW | Auxiliary Lighting in Public Places | 115.181 | 121.583 | 146.762 |
| <i>Street lighting for existing services only</i> | | | | | |
| Z.05 | 250 | Mercury Vapour | 46.046 | 47.839 | 54.593 |
| Z.06 | 400 | Mercury Vapour | 63.151 | 65.912 | 76.384 |
| Z.08 | 250 | Mercury Vapour 50% E.C. cost | 40.777 | 42.559 | 49.335 |
| Z.09 | 250 | Mercury Vapour 100% E.C. cost | 46.046 | 47.839 | 54.593 |
| Z.11 | 400 | Mercury Vapour 50% E.C. cost | 57.893 | 60.654 | 71.137 |
| Z.12 | 400 | Mercury Vapour 100% E.C. cost | 63.151 | 65.912 | 76.384 |
| Z.14 | 150 | H.P. Sodium | 41.844 | 42.823 | 48.367 |
| Z.16 | 250 | H.P. Sodium 50% E.C. cost | 48.081 | 50.237 | 58.487 |
| Z.17 | 250 | H.P. Sodium 100% E.C. cost | 55.935 | 58.124 | 66.374 |
| Z.51 | 60 | Incandescent | 19.657 | 20.086 | 21.604 |
| Z.52 | 100 | Incandescent | 19.657 | 20.086 | 21.604 |
| Z.53 | 200 | Incandescent | 23.155 | 23.672 | 26.037 |
| Z.54 | 300 | Incandescent | 28.633 | 29.557 | 32.912 |

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| Item | Wattage | Type | Midnight Switch-off (Obsolescent) Cents per day | 1.15 a.m. Switch-off Cents per day | Dawn Switch-off Cents per day |
|------|---------|--------------|--|--|-------------------------------------|
| Z.55 | 500 | Incandescent | 46.046 | 47.839 | 54.593 |
| Z.56 | 40 | Fluorescent | 19.657 | 20.086 | 21.604 |
| Z.57 | 80 | Fluorescent | 23.155 | 23.672 | 26.037 |
| Z.58 | 160 | Fluorescent | 32.384 | 32.835 | 38.093 |

9. Schedule 4 amended

- (1) In Schedule 4 item 4 delete “30.68 cents” and insert:

35.277 cents

- (2) In Schedule 4 item 9 delete “39.22 cents” and insert:

45.089 cents

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Part 3

bl. 10

Part 3 — Amendments commencing on 1 July 2009

10. Schedule 1 replaced

Delete Schedule 1 and insert:

Schedule 1 — Supply charges

[bl. 3, 4(1) and 10(1)]

1. Terms used

In this Schedule —

North West interconnected system means the electrical system from which electricity generated at one or more of the power stations at Dampier, Cape Lambert and Port Hedland, respectively, is supplied to consumers;

regional non-integrated system means any electrical system of or conducted by the corporation from which electricity is supplied to consumers, other than the South West interconnected system and the North West interconnected system;

South West interconnected system has the meaning given in the *Electricity Industry Act 2004* section 3.

2. Tariff L2 (general supply — low/medium voltage tariff)

(1) Tariff L2 is available for low/medium voltage supply.

(2) Tariff L2 comprises —

(a) a fixed charge at the rate of 30.679 cents per day;
and

(b) a charge for metered consumption at the rate of —

(i) 20.163 cents per unit for the first
1 650 units per day; and

(ii) 18.194 cents per unit for all units exceeding
1 650 units per day.

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- (3) Tariff L2 is available subject to the condition that the consumer satisfies the corporation that the amount of electricity supplied to the consumer's premises will be less than 50 megawatt hours per annum.

3. Tariff L4 (general supply — low/medium voltage tariff)

- (1) Tariff L4 is available for low/medium voltage supply.
- (2) Tariff L4 comprises —
 - (a) a fixed charge at the rate of 32.142 cents per day; and
 - (b) a charge for metered consumption at the rate of —
 - (i) 21.12 cents per unit for the first 1 650 units per day; and
 - (ii) 19.063 cents per unit for all units exceeding 1 650 units per day.
- (3) Tariff L4 is available subject to the condition that the consumer satisfies the corporation that the amount of electricity supplied to the consumer's premises will be 50 megawatt hours or more per annum.

4. Tariff M2 (general supply — high voltage tariff)

- (1) Tariff M2 is available for consumers supplied at 6.6 kV, 11 kV, 22 kV or 33 kV or such higher voltage as the corporation may approve.
- (2) Tariff M2 comprises —
 - (a) a fixed charge at the rate of 32.142 cents per day; and
 - (b) a charge for metered consumption at the rate of —
 - (i) 20.405 cents per unit for the first 1 650 units per day; and
 - (ii) 18.326 cents per unit per day for all units exceeding 1 650 units.

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5. Tariff N2 (regional non-integrated systems — cost of supply tariff)

- (1) Tariff N2 applies to electricity supplied from a regional non-integrated system to Commonwealth or foreign government instrumentalities.
- (2) Tariff N2 comprises —
 - (a) a fixed charge at the rate of 31.31 cents per day; and
 - (b) a charge for metered consumption at the rate (in cents per unit) calculated in accordance with the following formula and by-law 10(2) —

$$R = \left[18.7797 + \frac{8.5552 \times P}{39.18} \right] \times 1.1$$

Where —

R is the rate to be calculated; and

P is the Singapore Gas Oil 0.5%S midpoint of the Product Price Assessments for Singapore/Japan Cargoes —

- (i) as amended from time to time and published by Platt's in the Oilgram Price Report; and
- (ii) as expressed in Australian dollars per litre and including the rate of duty imposed by item 10.10 of the Schedule to the *Excise Tariff Act 1921* (Commonwealth).

6. Tariff P2 (North West interconnected system — cost of supply tariff)

- (1) Tariff P2 applies to electricity supplied from the North West interconnected system to Commonwealth or foreign government instrumentalities.
- (2) Tariff P2 comprises —
 - (a) a fixed charge at the rate of 37.89 cents per day; and
 - (b) a charge for metered consumption at the rate of 25.13 cents per unit.

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7. Tariff A2 (residential tariff)

- (1) Tariff A2 is available for residential use only.
- (2) Tariff A2 comprises —
 - (a) a fixed charge at the rate of 32.329 cents per day or, for multiple dwellings supplied through one metered supply point, a fixed charge at the rate of —
 - (i) 32.329 cents per day for the first dwelling; and
 - (ii) 25.102 cents per day for each additional dwelling;
 - and
 - (b) a charge for metered consumption at the rate of 17.611 cents per unit.

8. Tariff C2 (special community service tariff)

- (1) Tariff C2 is available for small voluntary and charitable organisations, subject to the conditions listed in subclause (3).
- (2) Tariff C2 comprises —
 - (a) a fixed charge at the rate of 29.524 cents per day; and
 - (b) a charge for metered consumption at the rate of —
 - (i) 16.093 cents per unit for the first 20 units per day; and
 - (ii) 20.163 cents for the next 1 630 units per day; and
 - (iii) 18.194 cents per unit per day for all units exceeding 1 650 units.
- (3) Tariff C2 is available subject to the following conditions —
 - (a) the consumer must be a direct customer of the corporation;

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bl. 10

- (b) the consumer must be a voluntary, non-profit making organisation;
 - (c) the consumer must be endorsed as exempt from income tax under the *Income Tax Assessment Act 1997* (Commonwealth) Subdivision 50-B;
 - (d) the consumer must provide a public service, which is available to any member of the public without discrimination;
 - (e) the consumer must not be a Commonwealth, State or local government department, instrumentality or agency;
 - (f) the consumer must not receive the major part of its funding from any organisation mentioned in paragraph (e).
- (4) A consumer seeking supply under Tariff C2 must make an application to the corporation in writing accompanied by evidence which clearly demonstrates that the consumer meets all the conditions listed in subclause (3).

9. Tariff D2 (special tariff for certain premises)

- (1) Tariff D2 is available for premises wholly used by a charitable or benevolent organisation for providing residential accommodation other than for commercial gain, being premises for which Tariff A2 is not available.
- (2) Tariff D2 comprises —
 - (a) a fixed charge at the rate of 29.524 cents per day; and
 - (b) if under subclause (3) there is deemed to be more than one equivalent domestic residence in the premises, a charge of 22.924 cents per day for each equivalent domestic residence except the first that is deemed to be in the premises; and
 - (c) a charge for metered consumption at the rate of 16.093 cents per unit.

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- (3) The number of equivalent domestic residences deemed to be in particular premises is ascertained by dividing the facility's total bed capacity by 5 and, where the quotient is not a whole number, by increasing it to the next highest whole number.

10. Tariff K2 (general supply with residential tariff)

- (1) Tariff K2 is available for premises where the circuit wiring is not separate and the electricity is used partly for general purposes and partly for residential purposes.
- (2) Tariff K2 comprises —
 - (a) a fixed charge at the rate of 32.329 cents per day; and
 - (b) a charge for metered consumption at the rate of —
 - (i) 17.611 cents per unit for the first 20 units per day; and
 - (ii) 22.077 cents per unit for the next 1 630 units per day; and
 - (iii) 19.932 cents per unit per day for all units exceeding 1 650 units.

11. Tariff W2 (traffic light installations)

Tariff W2 comprises a charge of \$3.8833 per day per kW of installed wattage.

11. Schedule 2 replaced

Delete Schedule 2 and insert:

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Part 3

bl. 11

Schedule 2 — Street lighting

[bl. 4(2)]

| Item | Wattage | Type | Midnight Switch-off (Obsolescent) Cents per day | 1.15 a.m. Switch-off Cents per day | Dawn Switch-off Cents per day |
|---|---------|--|--|--|-------------------------------------|
| <i>Street lighting on current offer and for existing services</i> | | | | | |
| Z.01 | 50 | Mercury Vapour | 22.605 | 23.089 | 24.838 |
| Z.02 | 80 | Mercury Vapour | 26.620 | 27.214 | 29.942 |
| Z.03 | 125 | Mercury Vapour | 32.923 | 33.990 | 37.840 |
| Z.04 | 140 | Low Pressure Sodium | 33.693 | 34.793 | 39.215 |
| Z.07 | 250 | Mercury Vapour | 40.854 | 42.933 | 50.688 |
| Z.10 | 400 | Mercury Vapour | 60.522 | 63.690 | 75.790 |
| Z.13 | 150 | High Pressure Sodium | 31.185 | 32.329 | 38.731 |
| Z.15 | 250 | High Pressure Sodium | 46.233 | 48.697 | 58.201 |
| Z.18 | per kW | Auxiliary Lighting in Public Places | 132.451 | 139.810 | 168.773 |
| <i>Street lighting for existing services only</i> | | | | | |
| Z.05 | 250 | Mercury Vapour | 52.943 | 55.011 | 62.777 |
| Z.06 | 400 | Mercury Vapour | 72.622 | 75.790 | 87.835 |
| Z.08 | 250 | Mercury Vapour 50% E.C. cost | 46.893 | 48.939 | 56.727 |
| Z.09 | 250 | Mercury Vapour 100% E.C. cost | 52.943 | 55.011 | 62.777 |
| Z.11 | 400 | Mercury Vapour 50% E.C. cost | 66.572 | 69.751 | 81.807 |
| Z.12 | 400 | Mercury Vapour 100% E.C. cost | 72.622 | 75.790 | 87.835 |
| Z.14 | 150 | H.P. Sodium | 48.114 | 49.236 | 55.616 |

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bl. 12

| Item | Wattage | Type | Midnight Switch-off (Obsolescent) Cents per day | 1.15 a.m. Switch-off Cents per day | Dawn Switch-off Cents per day |
|------|---------|-------------------------------|--|--|-------------------------------------|
| Z.16 | 250 | H.P. Sodium 50% E.C. cost | 55.286 | 57.772 | 67.254 |
| Z.17 | 250 | H.P. Sodium 100% E.C. cost | 64.317 | 66.836 | 76.329 |
| Z.51 | 60 | Incandescent | 22.605 | 23.089 | 24.838 |
| Z.52 | 100 | Incandescent | 22.605 | 23.089 | 24.838 |
| Z.53 | 200 | Incandescent | 26.620 | 27.214 | 29.942 |
| Z.54 | 300 | Incandescent | 32.923 | 33.990 | 37.840 |
| Z.55 | 500 | Incandescent | 52.943 | 55.011 | 62.777 |
| Z.56 | 40 | Fluorescent | 22.605 | 23.089 | 24.838 |
| Z.57 | 80 | Fluorescent | 26.620 | 27.214 | 29.942 |
| Z.58 | 160 | Fluorescent | 37.235 | 37.752 | 43.802 |

12. Schedule 4 amended

(1) In Schedule 4 delete item 11 and insert:

11. Rejected account payment (where payment made
through Australia Post) \$23.00

(2) Amend the provisions listed in the Table as set out in the Table.

Table

| Provision | Delete | Insert |
|--------------|--------------|--------------|
| Sch. 4 it. 1 | \$29.80 | \$32.10 |
| Sch. 4 it. 3 | \$27.50 | \$29.60 |
| Sch. 4 it. 4 | 35.227 cents | 40.568 cents |

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Part 3

bl. 12

| Provision | Delete | Insert |
|------------------|---------------|---------------|
| Sch. 4 it. 9 | 45.089 cents | 51.843 cents |
| Sch. 4 it. 10 | \$4.10 | \$4.40 |

The Common Seal of the)
Regional Power Corporation was)
affixed to these by-laws)
in the presence of —) [LS]

ROD HAYES, Director.

DAVID TOVEY, Executive Officer.

Approved by the Governor,

PETER CONRAN, Clerk of the Executive Council.