
ENERGY

EN301*

Western Australia

**Electricity Industry (Obligation to Connect)
Regulations 2005**

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Electricity Industry Act 2004

**Electricity Industry (Obligation to Connect)
Regulations 2005**

Made by the Governor in Executive Council.

Part 1 — Preliminary**1. Citation**

These regulations are the *Electricity Industry (Obligation to Connect) Regulations 2005*.

2. Terms used in these regulations

In these regulations, unless the contrary intention appears —

“**attach**” means to do all that is needed to connect premises to a distribution system except energise the premises;

“**business day**” means a day that is not a Saturday, a Sunday, or a public holiday;

“**customer**” means a customer who consumes not more than 160 MWh of electricity per annum;

“**distributor**” means a licensee holding —

- (a) a distribution licence; or
- (b) an integrated regional licence authorising the licensee to operate a distribution system;

“**energise**” means to complete a connection by establishing, at the meter through which electricity is to be supplied to a customer’s premises, a voltage that is capable of being sustained under the expected load conditions;

“**metropolitan area**” means —

- (a) the region described in the Third Schedule to the *Metropolitan Region Town Planning Scheme Act 1959*;
- (b) the districts under the *Local Government Act 1995* named Mandurah and Murray; and
- (c) the townsites, as defined in the *Land Administration Act 1997* section 3(1), named —
 - (i) Albany;
 - (ii) Bunbury;
 - (iii) Geraldton;
 - (iv) Kalgoorlie;
 - (v) Boulder;

- (vi) Karratha;
- (vii) Port Hedland; and
- (viii) South Hedland;

“**premises**” means premises owned or occupied by a new or existing customer;

“**retailer**” means a licensee holding —

- (a) a retail licence; or
- (b) an integrated regional licence authorising the licensee to sell electricity to customers.

Part 2 — Additional licence conditions

3. Distributor’s licence

It is a condition of the licence held by a distributor that the distributor must comply with any obligation that regulation 4 or regulation 7(1) imposes on the distributor.

Part 3 — Premises not attached

4. Obligation to attach or connect premises

If premises are not attached to a distribution system and —

- (a) a retailer seeks to make arrangements with the distributor for the premises to be attached or connected;
- (b) a customer applies to the distributor for the premises to be attached; or
- (c) a customer who will not use more than 50 MWh per annum at the premises applies to the distributor, before 1 January 2006, for the premises to be connected,

the distributor must, in the circumstances described in regulation 5(1), attach or connect the premises to the system, as the case requires.

5. Details of obligation to attach or connect

- (1) An obligation under regulation 4 to attach or connect premises arises only if —
 - (a) the distribution system would not need to be extended by more than 100 metres to enable the premises to be attached or connected to the system; and
 - (b) each requirement, if any, that the distributor imposes under subregulation (2) or (3) has been satisfied.
- (2) Before the end of the second complete business day after arrangements are sought to be made, or an application is made, under regulation 4 for premises to be attached to a distribution system, the distributor may impose any of the requirements described in subregulation (4)(a) or (b).

- (3) Before the end of the second complete business day after arrangements are sought to be made, or an application is made, under regulation 4 for premises to be connected to a distribution system, the distributor may impose any of the requirements described in subregulation (4).
- (4) The requirements that the distributor may impose are —
 - (a) that the agreement of the owner of any land through which any extension of the distribution system that is needed would pass, or on which any part of the distribution system is to be installed, be obtained to anything affecting the land that is necessary for the connection to be established and maintained;
 - (b) that a contract be entered into accepting liability to pay to the distributor —
 - (i) the amount that it costs, or would cost, the distributor to make the connection in the lowest cost way that is sustainable for making connections of that kind and is in accordance with accepted good industry practice as it would be applied by a prudent distributor; or
 - (ii) any greater amount that it is agreed to pay for the distributor to make the connection in any other way;
 - (c) that a contract be entered into with the distributor for the transportation of the electricity to be supplied through the connection.
- (5) If regulation 4 obliges the distributor to attach or connect premises to a distribution system, the obligation includes an obligation to extend the distribution system to a suitable connection point.
- (6) The capacity and standard of the extension has to be adequate for the supply required and in accordance with accepted good industry practice as it would be applied by a prudent distributor.

6. Time for complying with obligation

- (1) If the distributor is obliged under regulation 4 to attach or connect premises to a distribution system, it is required to do so before the time limit imposed by subregulation (2).
- (2) The time limit under this subregulation is —
 - (a) the end of the 20th business day after the time when the obligation arises; or
 - (b) any later time to which the customer agrees in writing.
- (3) If, during any of the time that this regulation gives the distributor for complying with the obligation, any written law prevents the distributor from complying, subregulation (2) applies as if the obligation arises when the written law ceases to prevent the distributor from complying.

Part 4 — Premises already attached

7. Obligation to energise premises

- (1) If—
 - (a) premises are attached to a distribution system but are not energised;
 - (b) a retailer applies to the distributor for the premises to be energised; and
 - (c) a requirement, if any, that the distributor imposes under subregulation (2) has been satisfied,

the distributor must energise the premises.

- (2) Before the end of the time limit fixed by regulation 8 for the energisation of premises, the distributor may impose a requirement that a contract be entered into with the distributor for the transportation of the electricity to be supplied through the connection.

8. Time for complying with obligation

- (1) If a distributor is obliged under regulation 7(1) to energise premises, it is required to do so before the time limit imposed by subregulation (2).
- (2) The time limit under this subregulation is —
 - (a) if the premises are within the metropolitan area —
 - (i) the end of the first business day after the day on which the application under regulation 7(1) is received if it is received before 3 p.m. on a business day;
 - (ii) the end of the second business day after the day on which the application under regulation 7(1) is received if it is received on a business day, but not before 3 p.m., or on a day that is not a business day;
 - (b) if the premises are not within the metropolitan area —
 - (i) the end of the fifth business day after the day on which the application under regulation 7(1) is received if it is received before 3 p.m. on a business day;
 - (ii) the end of the sixth business day after the day on which the application under regulation 7(1) is received if it is received on a business day, but not before 3 p.m., or on a day that is not a business day,

or any later time to which the customer agrees in writing.

- (3) If, during any of the time that this regulation gives the distributor for energising the premises, any written law prevents

the distributor from doing so, subregulation (2) applies as if the application under regulation 7(1) were received when the written law ceases to prevent the distributor from energising the premises.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.