

EN303*

Electricity Industry Act 2004

Electricity Industry (Licensing Fees) Regulations 2005

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Electricity Industry (Licensing Fees) Regulations 2005*.

2. Terms used in these regulations

In these regulations —

“**current licence year**”, when used in connection with a licence fee, means the licence year that is current when the licence fee is required to be paid;

“**licence year**”, when used in connection with a licence, means a period of a year commencing on, or on an anniversary of, the day on which the licence was granted or last renewed, as the case requires.

3. Application fees

The application fee that is required to accompany —

- (a) an application for a licence, referred to in section 10(1) of the Act, is \$500;
- (b) an application for the renewal of a licence, referred to in section 16(1) of the Act, is \$500;
- (c) an application for approval to transfer a licence, referred to in section 18(3) of the Act, is \$500;
- (d) an application for the amendment of a licence, referred to in section 21(2) of the Act, is \$500.

4. Generation licence fees

- (1) The licence fee referred to in section 17(1) of the Act for a generation licence is, if the installed capacity is —
 - (a) less than 5 MW, \$500;
 - (b) not less than 5 MW but less than 50 MW, \$2 000;
 - (c) not less than 50 MW but less than 100 MW, \$3 500;
 - (d) not less than 100 MW but less than 1 000 MW, \$5 000;
 - (e) not less than 1 000 MW, \$7 500.
- (2) In subregulation (1) —

“**installed capacity**” means the amount that the Authority determines to be, at the time the fee is paid, the total

generation capacity, in megawatts, of all generating works to which the licence relates including, for generating works that the licence authorises to be constructed during the current year but are not at the time the fee is paid operating at the maximum generation capacity on the basis of which the licence applies, that maximum generating capacity.

5. Transmission licence fees

- (1) The licence fee referred to in section 17(1) of the Act for a transmission licence is, if the transmission system length is —
- (a) less than 1 km, \$500;
 - (b) not less than 1 km but less than 10 km, \$3 750;
 - (c) not less than 10 km but less than 100 km, \$7 500;
 - (d) not less than 100 km but less than 1 000 km, \$15 000;
 - (e) not less than 1 000 km, \$20 000.

- (2) In subregulation (1) —

“transmission system length” means the amount that the Authority determines to be, at the time the fee is paid, the total length, in kilometres, of all transmission systems to which the licence relates including, for any transmission system or part of a transmission system that the licence authorises to be constructed during the current year but is not constructed at the time the fee is paid, the total length of the transmission system authorised to be constructed.

6. Distribution licence fees

- (1) The licence fee referred to in section 17(1) of the Act for a distribution licence is, if the distribution system length is —
- (a) less than 1 km, \$500;
 - (b) not less than 1 km but less than 10 km, \$5 000;
 - (c) not less than 10 km but less than 100 km, \$10 000;
 - (d) not less than 100 km but less than 1 000 km, \$20 000;
 - (e) not less than 1 000 km, \$25 000.

- (2) In subregulation (1) —

“distribution system length” means the amount that the Authority determines to be, at the time the fee is paid, the total length, in kilometres, of all distribution systems to which the licence relates including, for any distribution system or part of a distribution system that the licence authorises to be constructed during the current year but is not constructed at the time the fee is paid, the total length of the distribution system authorised to be constructed.

7. Retail licence fees

- (1) The licence fee referred to in section 17(1) of the Act for a retail licence is, if the number of customers is —
- (a) less than 100, \$1 000;

- (b) not less than 100 but less than 1 000, \$7 500;
- (c) not less than 1 000 but less than 5 000, \$12 500;
- (d) not less than 5 000 but less than 25 000, \$20 000;
- (e) not less than 25 000, \$35 000.

(2) In subregulation (1) —

“number of customers” means the amount that the Authority determines to be, at the time the fee is paid, the total number of customers to whom electricity is to be, or is likely to be, sold under the licence during the current licence year.

8. Integrated regional licence fees

(1) The licence fee referred to in section 17(1) of the Act for an integrated regional licence that —

- (a) authorises the licensee to carry out either generation activities, transmission activities, distribution activities, or retail activities (each of which is called a **“specific kind of activities”** in this regulation) but not more than one of those specific kinds of activities, is the licence fee that would be payable under regulation 4, 5, 6, or 7, as the case requires, for a licence authorising the same activities as the integrated regional licence authorises;
- (b) authorises the licensee to carry out 2 or more specific kind of activities, is the total of the licence fees that would be payable under regulation 4, 5, 6, and 7, as the case requires, for licences authorising the same activities as the integrated regional licence authorises.

(2) In subregulation (1) —

“distribution activities” means activities of a kind that may be authorised by a distribution licence;

“generation activities” means activities of a kind that may be authorised by a generation licence;

“retail activities” means activities of a kind that may be authorised by a retail licence;

“transmission activities” means activities of a kind that may be authorised by a transmission licence.

9. Authority’s determinations

A determination that the Authority makes under these regulations is to be made, as soon as practicable after the current licence year commences, on the basis of information that the licensee supplies to the Authority either in a licence application or otherwise.

10. Review

(1) The Authority is to carry out a review of the Authority’s costs of administering the licensing scheme under Part 2 of the Act

and the extent to which the fees under that Part paid to the Authority suffice to meet those costs.

- (2) The Authority is to carry out the review, and provide to the Minister a written report based on the review, within the period of a year ending on the third anniversary of the day on which these regulations come into operation.

By Command of the Governor,

ROD SPENCER, Clerk of the Executive Council.