

**GAS**

GS301

**GAS CORPORATION ACT 1994****GAS TRANSMISSION AMENDMENT REGULATIONS 1996**

Made by His Excellency the Governor in Executive Council.

**Citation**

1. These regulations may be cited as the *Gas Transmission Amendment Regulations 1996*.

**Principal regulations**

2. In these regulations the *Gas Transmission Regulations 1994\** are referred to as the principal regulations.

[\* *Published in Gazette of 22 December 1994 at pp. 1-125.*]

**Regulation 3 amended**

3. Regulation 3 of the principal regulations is amended in the definitions of "summer" and "winter" by deleting —

(a) "October" where it occurs in each definition and substituting in each case the following —

" November "; and

(b) "April" where it occurs in each definition and substituting in each case the following —

" May ".

**Regulation 90 amended**

4. Regulation 90 (1) of the principal regulations is amended by inserting after paragraph (i) the following paragraph —

" (ia) each regulation in Part 9A; "

**Regulation 91A inserted**

5. Division 5.1 of the principal regulations is amended by inserting after regulation 91 the following regulation —

"

**Revocation, substitution and amendment of transmission contract**

91A. Subject to regulation 71, the corporation and a shipper may at any time agree in writing to revoke, substitute or amend any provision of the shipper's transmission contract.

".

**Regulation 185 amended**

6. Regulation 185 (1) (b) of the principal regulations is amended by deleting "110%" and substituting the following —

" 120% ".

**Part 9A inserted**

7. After regulation 243 of the principal regulations the following Part is inserted —

"

**PART 9A — RELINQUISHMENT OF CAPACITY****Definitions**

**243A.** In this Part —

"**relinquishable capacity**" means capacity which is the subject of a relinquishment offer which has not been accepted under regulation 243F (1);

"**relinquished capacity**" means capacity which is the subject of a relinquishment acceptance;

"**relinquishing shipper**" means a shipper which has made a relinquishment offer which has not been withdrawn;

"**relinquishment acceptance**" means a notice in writing given by the corporation under regulation 243F (1) to a relinquishing shipper;

"**relinquishment offer**" means an offer (as amended or modified, if applicable, under this Part) made by a shipper to the corporation under regulation 243C (1) and not withdrawn under regulation 243D (1) (a).

**Shipper's contracted capacity not relinquishable except under this Part**

**243B.** A shipper cannot relinquish any of its contracted capacity other than in accordance with this Part.

**Shipper may make relinquishment offer**

**243C.** (1) A shipper may offer to relinquish all or part of its contracted capacity by giving notice in writing to the corporation specifying the amount of contracted capacity offered to be relinquished at an inlet point and in a tranche at an outlet point.

(2) A relinquishment offer may specify how a relinquishment acceptance is to apportion any relinquished capacity between the relinquishing shipper's contracted capacities for each season.

(3) A relinquishment offer, unless accepted under regulation 243F (1), has no effect on the relinquishing shipper's transmission contract.

**Withdrawal of relinquishment offer**

**243D.** (1) A relinquishing shipper may at any time give notice in writing to the corporation that it wishes —

- (a) to withdraw its relinquishment offer; or
- (b) to amend its relinquishment offer,

and that relinquishment offer is by force of this subregulation withdrawn or amended, as the case requires, from the time when that notice is received by the corporation.

(2) Regulation 253 (1) and (2) does not apply to notices given under subregulation (1).

#### **Notification of relinquishable capacity**

**243E.** (1) The corporation must use reasonable endeavours to ensure that all shippers are notified of the current total of relinquishable capacity in such a way that they all receive notice in writing at, or at approximately, the same time as the corporation makes available to all shippers a bulletin under regulation 163.

(2) The corporation must, whenever requested by a person to do so, provide the person, at the expense of the person, with a statement of the current total of relinquishable capacity.

#### **Corporation may accept relinquishment offer**

**243F.** (1) The corporation may at any time give notice in writing to a relinquishing shipper accepting its relinquishment offer.

(2) A relinquishment acceptance —

- (a) may be given in respect of all or part only of any relinquishable capacity; and
- (b) must not apportion relinquished capacity between the relinquishing shipper's contracted capacities for each season in a manner inconsistent with any specification under regulation 243C (2).

(3) Subject to subregulation (2), the corporation's discretion in determining —

- (a) whether or not to give a relinquishment acceptance;
- (b) in respect of how much of any relinquishable capacity to give a relinquishment acceptance;
- (c) how any relinquished capacity is to be apportioned between the relinquishing shipper's contracted capacities for each season; and
- (d) the order in which it gives relinquishment acceptances to relinquishing shippers,

is to be absolute and unfettered.

(4) Without limiting the generality of subregulation (3) —

- (a) the corporation's discretion is not to be limited by —
  - (i) any circumstances of the relinquishing shipper;
  - (ii) the current or projected level of utilization of capacity in the gas transmission system;
  - (iii) the number (if any) or magnitude of current or anticipated applications under Part 4; or
  - (iv) the order in which relinquishment offers are received by the corporation;

and

- (b) nothing in this Part obliges the corporation to give a relinquishment acceptance in preference to providing any developable capacity as defined by clause 1 of Schedule 5 to the Act.

**Effect of relinquishment acceptance**

**243G.** (1) Upon receipt by the relinquishing shipper of a relinquishment acceptance —

- (a) the relinquishing shipper's transmission contract is by force of this subregulation amended so that the relinquishing shipper's contracted capacity at the inlet point and in the tranche at the outlet point is reduced by the amount of the relinquished capacity;
- (b) if, as a result of a reduction under paragraph (a), the sum (across all tranches and all outlet points) of the relinquishing shipper's contracted capacities is reduced to zero, the relinquishing shipper's transmission contract is by force of this subregulation terminated; and
- (c) if the relinquishment acceptance is given in respect of —
  - (i) part only of the relinquishable capacity, the relinquishment offer remains in effect, subject to regulation 243D, in respect of the relinquishable capacity which has not become relinquished capacity; or
  - (ii) all of the relinquishable capacity, the relinquishment offer ceases to have effect.

(2) Subject to subregulation (1) (b), the relinquishing shipper's transmission contract, as amended under subregulation (1) (a), remains in effect after receipt by the relinquishing shipper of the relinquishment acceptance, and the corporation is not obliged to release all or any part of any bond, deposit, security or other form of assurance provided by the relinquishing shipper.

(3) For all purposes under the Act and these regulations, relinquished capacity is to be taken to be spare capacity.

(4) Without limiting the generality of subregulation (3), relinquished capacity may subsequently be the subject of a grant of capacity at a different inlet point or in a different tranche at the same or a different outlet point.

(5) In subregulation (4), a reference to —

- (a) a different inlet point is a reference to a different inlet point to the inlet point at which;
- (b) a different tranche is a reference to a different tranche to the tranche in which;
- (c) the same or a different outlet point is a reference to the same outlet point as, or a different outlet point to, the outlet point at which,

the relinquished capacity had been granted to the relinquishing shipper.

**Administrative expenses**

**243H.** A relinquishing shipper must, when requested by the corporation to do so, reimburse the corporation for all reasonable expenses incurred by the corporation by reason of any —

- (a) relinquishment offer;
- (b) notice given under regulation 243D (1); or
- (c) relinquishment acceptance.

By His Excellency's Command,

J. PRITCHARD, Clerk of the Council.